

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JEANETTE POWERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-2323-KHV
)	
UNIVERSITY OF KANSAS HOSPITAL)	
AUTHORITY and JANE BRADBURY,)	
)	
Defendants.)	

ORDER

Plaintiff Jeannette Powers brings claims under the Family Medical Leave Act and various state common laws. Currently before the court is plaintiff's motion for leave to amend her complaint (**doc. 14**). Defendants University of Kansas Hospital Authority (UKHA) and Jane Bradbury have notified the court that they do not oppose the motion and, indeed, they have filed no response to the motion.

Plaintiff seeks leave to make two amendments to her complaint. First, plaintiff seeks to join Jayhawk Primary Care, Inc. d/b/a Medical Administrative Services of KU Med as a defendant. Plaintiff explains that it is her understanding that UKHA was her employer at the time of the events giving rise to this action, but that defendant Bradbury has advised that plaintiff's true employer was Jayhawk Primary Care, Inc. Plaintiff suggests that the correct identity of her employer will likely be determined in discovery.

Second, plaintiff seeks to add to her complaint the factual allegation that she was terminated from her employment, effective August 1, 2009.

Under Fed. R. Civ. P. 15(a)(2), once a responsive pleading has been filed, as it has in this case, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Generally, the court denies leave to amend only “upon a showing of undue delay, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or undue prejudice to the opposing party, or futility of amendment.”¹

Finding no undue delay, bad faith, undue prejudice, or futility of amendment, the court grants plaintiff’s unopposed motion to amend her complaint. Plaintiff is directed to file her amended complaint forthwith.

IT IS SO ORDERED.

Dated this 9th day of September, 2009, at Kansas City, Kansas.

s/ James P. O’Hara
James P. O’Hara
U.S. Magistrate Judge

¹ *Castleglen, Inc. v. Resolution Trust Corp.*, 984 F.2d 1571, 1585 (10th Cir. 1993) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).